



PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Douglas C. Williams	)	Art Unit 1772
Application No. 10/037,632	)	Examiner: Brian P. Egan
Filed: 1/3/2002	)	
For: <i>Method and Article of Manufacture for</i>	)	Peoria, IL 61602-1241
<i>Sealing a Roof</i>	)	
<u>Attorney Docket No. 69035-001</u>	)	

**DECLARATION UNDER 37 CFR §1.132**

Thomas Williams, having personal knowledge of facts set forth herein, hereby declares that:

1. I am a Professional Engineer licensed by the State of Ohio.
2. I am well familiar with the steps in assembling a roof, as well as the invention claimed in the above application.
3. I understand that the Examiner in the above application has rejected the claims stating that most of the claims are unpatentable over Simpson et al. (5,096,759) in view of Harkness (4,775,567), Diamond (4,194,335), and Zickell et al. (4,992,315) patents. None of the cited references disclose the invention of the present application. The invention fulfills a long felt but unresolved need in the roof construction industry which is not taught or suggested by any of the references cited in the Office Action.
4. For many years, roofers have been faced with the arduous task of installing vapor, water, and ice resistant layers, such as Weather Watch® or Weather Guard®,

above the eaves of a roof. These products come in a 3 foot wide roll having an adhesive backing and a release sheet. Installation of the vapor, water, and ice resistant layer is difficult, if not dangerous. A typical installation requires the roofer to walk along the edge of the roof while peeling the release sheet and pressing the vapor, water, and ice resistant layer onto the roof. Many roofers have been severely injured in attempting this process.

5. An additional problem with a product such as Weather Watch® or Weather Guard® is that it kinks easily. Typically, installation of the vapor, water, and ice resistant layer is complicated by weather. In very windy days, it is extremely difficult to lay the vapor, water, and ice resistant layer completely flat. The vapor, water, and ice resistant layer must be flat for proper installation of the roof shingles. As such, the roofer must remove the vapor, water, and ice resistant layer and begin again if it is not flat.

6. The claimed present invention eliminates the need for such hazardous work by providing a pre-assembled article for the prevention of ice damage along the eave or edge of a roof. The invention also prohibits any kinks in the vapor, water, and ice resistant layer. Roofers' have had the need for such a product that eliminates these concerns but no one before has provided such a solution.

7. Additionally, the present invention expedites assembly of a roof. The roofer places the pre-assembly forming the present invention upon the roof rafters above the eaves and secures each pre-assembly to the roof rafters. Thereafter, shingles are attached to the sheathing panels. This eliminates several steps in the construction of a roof, prevents the occurrence of costly construction errors, and reduces the risk of injury to roofers.



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 2<sup>nd</sup> day of June 2004.

Thomas Williams



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**DECLARATION UNDER 37 CFR §1.132**

Douglas Forester, having personal knowledge of facts set forth herein, hereby declares that:

1. I have over twenty (20) years of experience as a carpenter and homebuilder.
2. I have worked in the field of home construction for at least (15) years, and I am well familiar with the steps in assembling a roof, as well as the invention claimed in the above application.
3. I understand that the Examiner in the above application has rejected the claims stating that most of the claims are unpatentable over Simpson et al. (5,096,759) in view of Harkness (4,775,567), Diamond (4,194,335), and Zickell et al. (4,992,315) patents. None of the cited references disclose the invention of the present application. The invention fulfills a long felt but unresolved need in the roof construction industry which is not taught or suggested by any of the references cited in the Office Action.

4. For many years, roofers have been faced with the arduous task of installing vapor, water, and ice resistant layers, such as Weather Watch® or Weather Guard®, above the eaves of a roof. These products come in a 3 foot wide roll having an adhesive backing and a release sheet. Installation of the vapor, water, and ice resistant layer is difficult, if not dangerous. A typical installation requires the roofer to walk along the edge of the roof while peeling the release sheet and pressing the vapor, water, and ice resistant layer onto the roof. Many roofers have been severely injured in attempting this process.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Signed this 1 day of June 2004.

  
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Douglas Forester